

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 17226 of 2004

Between:

Tadi Surendra, S/o T.V.P.Swaraj,
R/o Bhimavaram, West Godavari District

..... PETITIONER

AND

- 1 The Government of A.P.rep.by its Commissioner, Prohibition & Excise,
Nampally, Hyderabad
- 2 The Superintendent, Prohibition & Excise, Eluru,
West Godavari District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order or orders, direction or directions, writ or Writs, particularly one in the nature of "Writ of Mandamus" and declare the action of the respondents in not passing any orders on the transfer application of IL 24 shop M/s Anu Wines, Bhimavaram bearing license No.322/98-99 of West Godavari District is illegal, arbitrary and against rule 38 of A.P.Indian Liquor and Foreign Liquor Rules 1970 and consequently direct the respondents to transfer the IL 24 bearing license No.322/98-99 in the name of petitioner.

Counsel for the Petitioner: MR.K.L.N.SWAMY

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court at the admission stage made the following:

ORDER:

Petitioner states that one Namburi Venkata Subba Raju, who is holding IL-24 licence and running the business in the name and style of M/s.Anu Wines, Bhimavaram, due to personal reasons wanted to transfer the licence and expressed his willingness to transfer the said licence in the name of the petitioner. As per the said understanding, the petitioner made an application on 01.09.2004 before the Commissioner of Prohibition and Excise, A.P., Hyderabad, requesting to grant necessary permission for transferring the licence in his favour in terms of the provisions of Rule 38 of the Andhra Pradesh Indian Liquor and Foreign Liquor Rules, 1970. However, the grievance of the petitioner is that the Commissioner of Prohibition and Excise failed to pass any orders so far and in the meanwhile, the last date for payment of the proportionate licence fee for the extended period of the Excise Year is fast approaching. Hence, this writ petition seeking a declaration that the inaction on the part of the respondents, is arbitrary and illegal.

I have heard the learned counsel for the petitioner and the learned Government Pleader for Prohibition and

Excise appearing for the respondents.

Having regard to the facts and circumstances of the case, without expressing any opinion as to the entitlement of the petitioner for transfer of the licence in question, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to consider the application dated 01.09.2004 for transfer of IL-24 licence bearing No.322/98-99 in respect of M/s.Anu Wines, Bhimavaram and to pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of one week from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No costs.

24.09.2004

Note: Furnish CC by tomorrow
(b/o)
VGB

To

- 1 The Commissioner, Government of A.P., Prohibition & Excise,
Nampally, Hyderabad
- 2 The Superintendent, Prohibition & Excise, Eluru,
West Godavari District
- 3 2CCs to the Government Pleader for Prohibition and Excise, High
Court Buildings, Hyderabad (OUT).
- 4 2CD copies